

### **REMARKS**

As a result of this amendment, claims 1-15, 17-27 are now pending in this application. Of these, claims 1-7 stand allowed; claims 11-13 and 16-17 stand objected to, but allowable; and claims 8-10, 14-15, and 18-20 stand rejected under 35 U.S.C. §103. Claims 21-27 are new.

A brief response to the §103 rejections follows; however, applicant reserves all rights of response not exercised herein. Applicant welcomes an opportunity to discuss the rejections or other aspects of the application with the Examiner.

The subject matter of the amendments to the specification are supported by the drawings as filed, as well as in the specification as filed, including on p. 76 (for Fig. 16), p. 78 (for Fig. 17), and p. 82 (for Fig. 18). Thus, Applicant respectfully submits that the amendments to the specification herein are proper and fully supported by the specification and introduce no new matter.

### **Response to §103 Rejection**

Claims 8-10, 14-15, and 18-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Woods (U.S. Patent 5,280,430) in view of Binenbaum (U.S. Patent 3,597,538).

Specifically, in the rejection of claim 8-10 and 14, the Action concedes that Woods fails to teach an act of “disabling, by the computer aided transcription system, the transcribing [of representations of spoken words to text in real time] after a predetermined amount of transcription has been reached,” but argues that Binenbaum teaches this act of disabling real-time transcription at column 3, lines 41-52.

However, applicant submits respectfully Binenbaum fails to fill the admitted gap in Woods because Binenbaum doesn't teach one to disable real-time transcription of representations of spoken words to text,. Instead, Binenbaum reports digitization and serial transmission of Stenotype characters to a remote Stenotype printer, which prints the characters for manual transcription. As part of the digitization and serial transmission procedure, Binenbaum switches a keystroke digitizer (commutating device 118) on and off in synch with the Stenotype characters input via a Stenotype keyboard. Switching the digitizer on and off appears to preserve separation of the Stenotype characters as they are digitized and serially transmitted. Moreover, it appears

that as long as the Stenotype keyboard is operated, the digitizer (118) will continue to output digital Stenotype data; the decoder 126 will continue to decode the data; and the Stenotype printer 130 will continue to print.

Thus, it does not appear that one of skill would equate the synchronous switching of commutating device 118 with disabling real-time transcription. To confirm this, one can review Figure 1 and the following passages:

Column 2, lines 26-28	“commutating device 118.. scans the leads 116 in sequence to produce a bit serial output on a single lead 120.”
Column 2, lines 33-45	“ A control device 122 stops and starts the commutator at the appropriate time. The control device detects ... the start of a Stenographic character ... and the conclusion of the character. At that point the control circuit 122 starts the commutating device 118 on a cycle of commutation covering all the twenty-five leads 116 [representing the depressed Stenotype keys]. The commutating device 118 advises the control circuit 122 when it has reached the end of a single commutating cycle ... whereupon the circuit 122 shuts off the commutator until the next Stenotype character is formed.”
Column 2, lines 46-59	The bit serial output on lead 120 is communicated to ... a decoder 126 which reconstitutes the bit serial signal ... into the 25 bits handled by ... remote Stenotype readout device 130, for example a Stenotype printer. ... A transcriber at the remote location can immediately read and transcribe the output of the printer to produce copy concurrently with the proceedings which are being stenographically recorded on the keyboard 110.

The cited passage at column 3, lines 41-52 describes a specific commutator 118 implementation shown in Figure 2. Thus, even if it were permissible to combine Binebaum with Woods, the resulting combination would not meet the full and precise terms of claims 8-10 and 14.

Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §103 rejections of claims 8-10 and 14, or in the alternative initiate a telephone interview with its patent counsel Eduardo Drake at 612-349-9593.

Regarding claims 15 and 18-20, applicant submits respectfully that claim 15 has been amended to incorporate the subject matter of claim 16, which has been indicated to be allowable. Accordingly, the Section 103 rejection of these claims appears moot.

### **Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9593 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JAMES D. BENNETT ET AL.

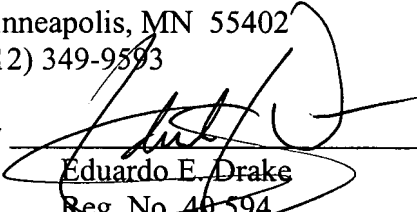
By their Representatives,

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Date

17 April 2007

By

  
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17<sup>th</sup> day of April, 2007.

JONATHAN FERGENSON

Name

  
Signature